

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, May 11, 2005
9:00 a.m.

City of Laguna Beach
City Council Chambers
505 Forest Avenue
Laguna Beach, California

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 p.m. on Wednesday, April 27, 2005, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, May 4, 2005 will not be provided to the Regional Board members and will not be considered by the Regional Board.

PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: rb9agenda@waterboards.ca.gov to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 p.m. on Wednesday, April 27, 2005.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: April 13, 2005.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.
5. NPDES Permit Renewals:
 - A. NPDES Permit Renewal: Waste Discharge Requirements for the Southern California Edison, San Onofre Nuclear Generating Station, Unit 2, San Diego County (tentative Order No. R9-2005-0005, NPDES Permit No. CA0108073) (*Hashim Navrozali*)
 - B. NPDES Permit Renewal: Waste Discharge Requirements for the Southern California Edison, San Onofre Nuclear Generating Station, Unit 3, San Diego County (tentative Order No. R9-2005-0006, NPDES Permit Nos. CA0108181) (*Hashim Navrozali*)

This item was initially heard by the Regional Board at the hearing on March 9, 2005. The opportunity for verbal comments was concluded at the March 9, 2005 hearing, but the written comment period was extended to March 23, 2005. At today's meeting, the Regional Board will consider responses to comments received, modifications to the two tentative orders, and the adoption of the modified orders.
6. NPDES Permit Renewal: San Elijo Joint Powers Authority, San Elijo WRF Discharge to the Pacific Ocean via the San Elijo Ocean Outfall (tentative Order No. R9-2005-0100, NPDES No. CA0107999) (*Bryan Ott*)
7. NPDES Permit Renewal: City of Escondido, Hale Ave. Resource Recovery Facility Discharge to the Pacific Ocean via the San Elijo Ocean Outfall (tentative Order No. R9-2005-0101, NPDES No. CA0107981) (*Bryan Ott*)
8. **PUBLIC HEARING:** The Board will hold a public hearing to receive testimony and comments on appropriate TMDLs and wasteload allocations for copper, lead, and zinc in Chollas Creek, tributary to San Diego Bay, and on proposed revisions to the water quality objectives for toxic pollutants to reference the California Toxics Rule. At a subsequent meeting, the Regional Board may amend the Basin Plan to incorporate the TMDLs and revise the water quality objectives for Toxic Pollutants. (tentative Resolution No. R9-2005-0111 and Attachment A) (*Jimmy Smith*)
9. **PUBLIC HEARING:** Lake Cuyamaca Parks and Recreation District, Lake Cuyamaca Public Recreation Area Southeast of Julian, San Diego County: the Regional Board will receive testimony and comments on a proposed discharge of sewage waste to groundwater through a subsurface disposal system at the Lake Cuyamaca Public Recreation Area and on appropriate

regulation for such a discharge. (Ground water in the area of the discharge currently exceeds water quality objectives for nitrates and other pollutants due to the Cedar Fire.) (*Bryan Ott*)

10. Cleanup and Abatement of pollution from discharges of urban runoff to Aliso Creek. The Board will consider rescission of the CAO No. 99-211 requiring the County of Orange, Orange County Flood Control District, and City of Laguna Niguel to cleanup waste and abate existing and threatened pollution. (Tentative Order No. R9-2005-132) (*Jeremy Haas*)
11. Resolution: Regional Board support for request of the State Water Resources Control Board for funding of an Epidemiological Study and/or a Bacteria Source Analysis of San Juan Creek and the Doheny Beach area in Orange County. (Tentative Resolution No. R9-2005-0133) (*John Robertus*)
12. Status Report: Presentations by the County of Orange Copermittees and Public Organizations (*Jeremy Haas*)

13. *Executive Session* - Discussion of Ongoing Litigation

The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50. Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (*Frank Melbourne*)

Building Industry Association of San Diego County, et al. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego; In the Court of Appeal of the State of California, Case No. GIC 780263 (*Phil Hammer*)

Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water. (*Paul Richter*)

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824707. Complaint for Breach of Contract, Specific Performance, Intentional Misrepresentation, Bad Faith Denial of Existence of Contract, Compensatory Damages, Exemplary Damages and for Declaratory Judgment, Request for Jury Trial.

14. *Executive Session* - Consideration of Initiation of Litigation

The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the

federal Clean Water Act.

15. *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.
16. *Executive Session* - Personnel
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
17. Arrangements for Next Meeting and Adjournment
Wednesday, June 8, 2005 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

- A. Notice of Proposed Settlement of Civil Liability: Fieldstone Communities, Inc. and Florida Southchase, L.P. (R9-2005-0107 and 0108)
On March 17, 2005, the Executive Officer issued Complaint Nos. R9-2005-0107 and 0108 Administrative Assessment for Civil Liability in the amount of \$262,500 and \$242,500, respectively, against Fieldstone Communities, Inc. and Florida Southchase, L.P. for violation of Water Code section 13376 and State Board Order No. 99-08 DWQ, (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. Fieldstone Communities, Inc. and Florida Southchase, L.P. have tendered settlement of the liability, which will be considered by the Regional Board at its scheduled June 8, 2005 meeting. The settlement proposal includes: paying \$262,500 to the State Water Resource Control Board for deposit into the Cleanup and Abatement Account, a commitment to achieve and maintain compliance with the State's Storm water permit at all of its' construction sites within the State now and in the future, and to waive its right to petition this matter. Interested Parties may comment on this settlement during the 30-day comment period beginning May 3, 2005 and ending June 2, 2005. Complete details of the proposed settlement can be found on the Regional Board web site or by contacting Frank Melbourn of the Regional Board at (858) 467-2973 or fmelbourn@waterboards.ca.gov. (Mark Alpert)
- B. Corrective Action Plan Addendum for Leaking Underground Fuel Tank site Thrifty #112, 1484 East Washington Avenue, El Cajon. On March 25, 2005, staff received an Addendum to the Corrective Action Plan (CAP) proposing 12 monthly vacuum truck extraction events. This addendum changes the remediation from the vapor extraction that has operated since July 2002. The vapor extraction is no longer effective in removing petroleum hydrocarbon vapors from the subsurface, thus necessitating an addendum to the CAP. The case files are available for public review at the RWQCB office. The inclusion of this public notice as part of the RWQCB agenda fulfills the agency's obligation for public notification of the proposed Addendum to the CAP. (Sue Pease)
- C. On May 19, 2005, the Regional Board will hold a Public Workshop to solicit public comments on the Proposed Gregory Canyon Landfill project. The Public Workshop will be held from 1:30 pm to 4:30pm in the City Council Chambers located at the City of Escondido, 201 North Broadway in Escondido. Additional information on the Public Workshop and the proposed Gregory Canyon Landfill project may be obtained from the Regional Board web site at: <http://www.waterboards.ca.gov/sandiego/>. The objectives of the Public Workshop are: 1) to present

the proposed Gregory Canyon Landfill project, 2) to answer questions, and 3) to receive input from the public on water quality aspects of the proposed project. Public participation is encouraged and Regional Board members may attend the workshop. However, the Regional Board will not take any action and no voting will occur at the Public Workshop. *(Carol Tamaki)*

- D. **45-day notice:** Pursuant to California Code of Regulations, Title 27 §21730(b), the California Regional Water Quality Control Board, San Diego Region (Regional Board) is providing the following notice to consider adoption of tentative Addenda to revise the Waste Discharge Requirements for following municipal landfills:

Tentative Addenda No.	Order No.	Facility	Discharger
Addendum No. 2	Order 93-86	Otay Landfill	Otay Landfill Inc. (Allied Waste)
Addendum No. 2	Order 93-86	West Miramar Landfill	City of San Diego
Addendum No. 1	Order 99-74	Sycamore Landfill	Sycamore Landfill Inc. (Allied Waste)
Addendum No. 1	Order 2003- 0306	Prima Descheca	County of Orange
Addendum No. 1	Order 2000-006	Ramona Landfill	Ramona Landfill Inc. (Allied Waste)

If the Regional Board adopts the tentative addenda listed above, the affected Orders would be amended to: a.) Allow the identified landfills to accept treated wood for disposal in accordance with California Health and Safety Code Sections 25143.1.5 and 25150.7 and, b.) Require the identified Dischargers to report information electronically to the Regional Board, in accordance with Section 3892, Title 23, of the California Code of Regulations. *(Brian McDaniel)*